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March 14, 2008

Thomasenia P. Duncan, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
2008 MAR 17 A 9 17

Re: **MUR 5970**
Donna Edwards for Congress

Dear Ms. Duncan:

This response to the above-referenced complaint is filed on behalf of Donna Edwards, Donna Edwards for Congress, and Janice Edwards as treasurer (collectively "Donna Edwards for Congress" or "Committee"). The complaint was filed by Ms. Edwards' opponent in the primary election race for Congress in the fourth district in Maryland purely for publicity and political gain. It is based solely on speculation and innuendo. For the reasons set forth below, the Federal Election Commission ("Commission" or "FEC") should find no reason to believe that the Committee violated the Federal Election Campaign Act of 1971, as amended, ("FECA") or the Commission's regulations.

1. The Complaint Should Be Dismissed Because It Does Not Meet The Minimum Requirements For A Complaint Under The FEC Regulations

Under the Act and Commission regulations, a complaint, to be sufficient, valid and appropriate for filing and consideration by the Commission, must conform to certain provisions set forth at 11 C.F.R. 111.4(d). Included in those minimum provisions are the following requirements:

- (2) Statements which are not based upon personal knowledge should be accompanied by an identification of the source of

information which gives rise to the complainant's belief in the truth of such statements;

(3) The complaint should contain a clear and concise recitation of the facts which describe a violation of a statute or regulation over which the Commission has jurisdiction; and

(4) The complaint should be accompanied by any documentation supporting the facts alleged if such documentation is known of, or available to, the complainant.

Quite simply, even a cursory reading of the complaint reveals that it does not meet the very low threshold set forth in the Commission's regulations for supporting a valid complaint. Merely swearing to speculative and unsubstantiated words not supported by facts or personal knowledge should not give rise to Commission consideration of a matter under review.

While the Complaint is somewhat unclear, it appears to be arguing that certain individuals and organizations endorsed Ms. Edwards or made contributions to the Committee only because the Board of Directors of The Arca Foundation, where she serves as Executive Director, voted to approve grant requests to such organizations. As discussed more fully below, Ms. Edwards does not personally have a vote in the grant approval process and never made a recommendation to the Board for her own personal or political gain.

The Complaint also attempts to link together individuals and organization through tenuous, illusory connections, often based on false or wholly irrelevant information, in order to allege that the Committee engaged in prohibited activity. The primary information provided in support of this assertion is largely contained in sensational charts and diagrams – though the source of the information and the creator of such documents are not disclosed. These supposed relationships, based on conjecture and unfounded factual assertions, do not support such an allegation of any prohibited activity. In fact, the Committee's campaign manager has provided a sworn statement specifically repudiating this claim.

In sum, the Complaint is based on pure speculation and the documents attached to it do not support a single violation of the Act. For this reason, the Commission should dismiss it immediately.

2. There Is No Connection Between Previous Arca Grants and Endorsements or Campaign Contributions

Since January 2000, Ms. Edwards has been the Executive Director of The Arca Foundation ("Arca"), a 501(c)(3) organization dedicated to the pursuit of social equality and justice. To fulfill this mission, Arca grants funds to organizations and projects that focus on media and democracy, or to those that promote equity, accountability, social justice, and a participatory democracy.¹ Ms. Edwards reviews hundreds of grant proposals each grant cycle as

¹ See <http://www.arcafoundation.org/focus.htm>.

Executive Director and makes recommendations to the Arca Board of Directors.³ The Board then votes to determine which proposals to fund. Arca policy requires all Arca board members and its Executive Director to disclose their membership on a board of a requesting organization.³ Ms. Edwards has taken two leaves of absence from Arca while she has been a federal candidate: first between June 1, 2006 and September 15, 2006, and then this primary cycle between August 31, 2007 and February 15, 2008.

The Complaint asserts that the League of Conservation Voters ("LCV") endorsed Ms. Edwards in 2006 and 2008 because she was "involved in channeling \$100,000 to LCV" from 2004-2006.⁴ Ms. Edwards was not involved in "channeling" any funds to LCV, since she does not have a vote on the grant proposals and was on leave while actively campaigning. Moreover, Ms. Edwards followed Arca policy and disclosed her LCV board membership to the Arca Board.

The Complaint suggests that Friends of the Earth and thirty-seven other organizations either endorsed Ms. Edwards or contributed to the Committee solely because these organizations received Arca grants. This claim is supported only by a chart that shows that some members of these organizations have made contributions to the Committee.

The Arca Board of Directors votes on every grant proposal. Ms. Edwards has no authority to grant funds from Arca to any organization or project. Any recommendations by Ms. Edwards to the Board on any proposal before it were based strictly on the merits of the grant application, and were not based on any anticipated or possible political benefit.

3. The Committee Did Not Coordinate With SEIU In The Production or Dissemination of SEIU Communications

The Complaint falsely suggests that the Committee and a local Services Employee International Union ("SEIU") chapter collaborated on public communications. This assertion is based solely on a connection between Ms. Edwards and Anna Burger, the International Secretary-Treasurer of SEIU: at one time, both were board members of They Work For Us, Inc.

In fact, Ms. Edwards notified the chair of that board that she would be taking a leave of absence⁵ from They Work For Us, Inc., beginning August 6, 2007. Ms. Edwards has not met or spoken to Ms. Burger since before taking her leave of absence in August. Adrienne Christian, the Committee's campaign manager, affirms⁶ that no one within the campaign coordinated with SEIU or any local chapter of SEIU in the creation, production or distribution of this or any other campaign literature.

³ Since joining Arca, Ms. Edwards has reviewed an estimated 5,000 grant applications.

³ Arca Board members must recuse themselves from voting on a grant proposal in such situations.

⁴ See Complaint at Paragraph 2.

⁵ See Attachment 1.

⁶ See Attachment 2.

The Complaint also asserts that They Work For Us, Inc. "facilitated placement of political advertising in conjunction with SEIU."⁷ The Complaint attaches two charts of supposed radio buys, yet fails to cite the source of the information or the individual or organization who created them.⁸ Ms. Christian affirms that no individual within the campaign coordinated with They Work For Us, Inc. in the creation, production or distribution of this or any other campaign literature.⁹

All of the above facts and attachments clearly demonstrate that neither Ms. Edwards nor the Committee engaged in prohibited coordination.

4. The Committee Compensated EMILY's List For Web Fees and Email Costs

The Complaint declares that EMILY's List and the Committee "clearly joined forces;" the two organizations "expressly collaborated, sending campaign messages to Emily's [sic] List supporters" in the form of an email "approved and expressly authorized by the Edwards Campaign."¹⁰ Not only did the Committee expressly authorize this email solicitation, but it also paid for it – as clearly shown in the disclaimer of the email, "Paid For by Donna Edwards for Congress."¹¹ The Committee properly paid for the use of web services and email, and properly reported the expenditure to the Commission. Attached to this response is a copy of the EMILY's List invoice, the Committee's check, and the page from the Committee's report showing this disbursement.¹²

5. Assertions Regarding Unsubstantiated Relationships Between Organizations Do Not Allege FECA Violation

The clearest indication that the Complaint was filed purely for political purposes is the nearly dozen paragraphs that recite individual names, organizations and addresses yet fail to link this information to any violation of FECA.¹³ The simplistic fact that a single individual member of one organization also participates in other groups does not allege a FECA violation. Similarly, the assertion that several organizations share an address does not allege a FECA violation. There is only one discernable legal allegation and a single assertion of administrative error contained in these paragraphs.

- a. The Committee did not coordinate with Communities Voting Together in the production or dissemination of Communities Voting Together communications.

The Complaint declares that the Committee should have attributed campaign contributions from Communities Voting Together ("CVT") because CVT distributed campaign

⁷ See Complaint at Paragraph 13.

⁸ See Complaint, Exhibits 6 and 7.

⁹ See Attachment 2.

¹⁰ See Complaint at Paragraphs 15-16.

¹¹ See Complaint, Exhibit 8.

¹² See Attachment 3.

¹³ See Complaint at Paragraph 19-31.

literature critical of the incumbent, Congressman Albert Wynn.¹⁴ This declaration is supported only by the fact that CVT apparently resides at the same address as other organizations in another state. Despite the fixation on New Orleans office space, the Complaint offers no factual information that the Committee was involved in the production or dissemination of this literature, or that the Committee and CVT engaged in prohibited coordination. The Committee's campaign manager affirms¹⁵ that the Committee did not have any involvement with the production or dissemination of any CVT communication, including the literature attached to the complaint.¹⁶ Again, as stated above, the sharing of addresses is irrelevant to a FECA violation.

b. The Committee may amend its 2006 reports to correct an administrative error.

After a lengthy and irrelevant description of its status with the Maryland State Department of Taxation and Assessments, the Complaint states that the 2006 Donna Edwards for Congress Committee reported the incorrect address for one of its vendors, Citizens' Services, Inc. ("CSI"). The 2006 Committee made three payments to CSI, all of which are reported on its 2006 Pre-Primary and October Quarterly reports. The 2006 Committee may have inadvertently reported an inaccurate mailing address for these disbursements; if so, it will promptly amend these two reports to correct this unintentional administrative error.

Conclusion

For the foregoing reasons, the Commission should immediately dismiss this complaint.

Respectfully submitted,

Karen Zeglis
Lyn Utrecht
Karen Zeglis

¹⁴ See Complaint at Paragraph 24.

¹⁵ See Attachment 2.

¹⁶ See Complaint, Exhibit 11.

Attachment 1

29044222827

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
2008 MAR 17 A 9 18

August 6, 2007

Steve Rosenthal, Chair
They Work For Us
888 16th Street, NW
Suite 630
Washington, DC 20006

Dear Steve,

I'm writing to let you know formally that I will be taking a leave of absence from the Board of They Work for Us, effective immediately. I have truly enjoyed even this limited time to help initiate and think through the programs and plans for educating voters and holding Congress accountable to the concerns of working people. I wish you continued success in the coming years. There has never been a more important moment for accountability.

Warmest regards,



Donna F. Edwards

29044222828

Attachment 2

29044222829

BEFORE THE FEDERAL ELECTION COMMISSION

In re MUR 5970, Donna Edwards for Congress

DECLARATION OF ADRIENNE CHRISTIAN

I, Adrienne Christian, do hereby certify:

1. I am the campaign manager of Donna Edwards for Congress, registered with the Federal Election Commission, Id. No. C00422964.
2. Neither I nor any member of the Donna Edwards for Congress campaign staff participated in the creation, production, or distribution of any literature intended for distribution beyond union membership that may have been sent from the Services Employee International Union ("SEIU") or any local chapter of SEIU.
3. Neither I nor any member of the Donna Edwards for Congress campaign staff participated in the creation, production, or distribution of any literature or advertisement that may have been sent from They Work For Us, Inc.
4. Neither I nor any member of the Donna Edwards for Congress campaign staff participated in the creation, production, or distribution of any literature that may have been sent from Communities Voting Together.
5. Neither I nor any member of the Donna Edwards for Congress campaign staff engaged in prohibited coordination with the Association of Community Organizations for Reform Now

I declare under penalty of perjury that this declaration is true and correct.

Signed: Adrienne Christian
Adrienne Christian

Date: March 14, 2008

2008 MAR 17 A 9:18

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OFFICE OF GENERAL
COUNSEL

29044222830

Attachment 3

29044222831



EMILY's List

1100 Connecticut Avenue, NW, Suite 1100, Washington, DC 20036

202.366.1400

202.366.1407

www.emilyslist.org

November 5, 2007

To: Donna Edwards for Congress

From: Callie Fines
EMILY's List

INVOICE

This invoice represents internet costs that will be incurred on behalf of Donna Edwards for Congress.

The total includes web fees, e-mail costs, and various other items associated with placement on our website.

Total \$778.54

This invoice must be paid in full by Thursday November 8, 2007. Please make your check payable to EMILY's List. Please send via UPS or Federal Express. If you have any questions regarding this invoice, please contact me at (202) 419-3174.

Thank you,

Callie Fines
Director of Finance and Compliance

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COUNSEL

2008 MAR 17 A 9 18

**Donna Edwards for Congress
Check Request Form**

**COMPLETE BOXED AREAS ONLY AND RETURN TO EXECUTIVE DIRECTOR WITH
INVOICE OR OTHER DOCUMENTATION**

Pay To: EMILY'S List

ADDRESS: 1120 Connecticut Avenue, NW Suite 1100

CITY/STATE/ZIP: Washington, DC 20036

AMOUNT: \$778.54

PURPOSE: to cover the cost that Emily's list will incurred on behalf of our campaign
- web fees, email costs, and various other items associated with placement on their
website.

(IF MILEAGE: Give Detailed Description Here) _____

PAYMENT TYPE: check

CHECK DELIVERY: US Mail Overnight Return to Requester handdelivered
to Simone Ward

REQUESTED BY: Adrienne Christian

DATE NEEDED: 11/8/2007

BUDGET CATEGORY:

Other

- | | |
|--------------------------|--------------------------------------|
| 1000.51 - Research | 1000.63 - E-Day Workers/Program |
| 1000.52 - Polling | 1000.64 - Early Vote Workers/Program |
| 1000.53 - Outreach | 1000.65 - HQ Staff |
| 1000.54 - Judicial | 1000.66 - HQ Phones |
| 1000.55 - ID Calls | 1000.67 - Postage Shipping |
| 1000.56 - Field Staff | 1000.68 - HQ Office Costs |
| 1000.57 - Other | 1000.69 - Travel |
| 1000.58 - GOTV Radio | 1000.70 - Printing |
| 1000.59 - GOTV Newspaper | 1000.71 - Field Office Expenses |
| 1000.60 - GOTV Calls | 1000.72 - Field Office Phone Service |
| 1000.61 - GOTV Mail | |

APPROVED BY:

Adrienne Christian
Campaign Manager

11/6/2007
Date

2008 MAR 17 A 9 18




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COUNSEL

29044222833

DONNA EDWARDS FOR CONGRESS 04/05
2204 GLEN LANE
FORT WASHINGTON, MD 20744-4821

1182
05-000000
0000

Date November 8 2007

 EMILY'S List \$ 778.54
Seven hundred and seventy-eight dollars ⁵⁴/₁₀₀  

HBST
BANK OF AMERICA
1-800-857-8575

for Cover Costs Incurred by Emily's list.

Donna F. Edwards

2008 MAR 17 A 4 18
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Page 1 of 1

**SCHEDULE B (FEC Form 3)
ITEMIZED DISBURSEMENTS**

Use separate schedule(s)
for each category of the
Detailed Summary Page

FOR LINE 10 (continued)
(check only one)

Page 2 of 2

☒ 17 ☐ 18 ☐ 19 ☐ 20 ☐ 21

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to which contributions from such committee

NAME OF COMMITTEE (in full)
DONNA EDWARDS FOR CONGRESS

<p>A. Full Name (Last, First, Middle Initial) Electro Rent Corporation</p> <p>Mailing Address 8080 Sepulveda Boulevard</p> <p>City Van Nuys State CA Zip Code 91411</p> <p>Purpose of Disbursement Computer Rental</p> <p>Candidate Name</p> <p>Office Sought: House Senate Disbursement For: 2008 President President X Primary General Other (specify) y</p> <p>State District</p>				<p>Transaction ID: 8817.28887</p> <p>Date of Disbursement 01 ' ' 10 ' ' 2008</p> <p>Amount of Each Disbursement This Period 487.20</p> <p>Refund or Disposal of Excess Contributions Required Under 11 C.F.R. 400.83</p>	
<p>B. Full Name (Last, First, Middle Initial) Electro Rent Corporation</p> <p>Mailing Address 8080 Sepulveda Boulevard</p> <p>City Van Nuys State CA Zip Code 91411</p> <p>Purpose of Disbursement Computer Rental</p> <p>Candidate Name</p> <p>Office Sought: House Senate Disbursement For: 2008 President President X Primary General Other (specify) y</p> <p>State District</p>				<p>Transaction ID: 8817.28888</p> <p>Date of Disbursement 01 ' ' 10 ' ' 2008</p> <p>Amount of Each Disbursement This Period 628.84</p> <p>Refund or Disposal of Excess Contributions Required Under 11 C.F.R. 400.83</p>	
<p>C. Full Name (Last, First, Middle Initial) SMILY'S LIST</p> <p>Mailing Address 1120 Connecticut Avenue NW Ste 1100</p> <p>City Washington State DC Zip Code 20036</p> <p>Purpose of Disbursement Fund Raising Fees</p> <p>Candidate Name</p> <p>Office Sought: House Senate Disbursement For: 2008 President President X Primary General Other (specify) y</p> <p>State District</p>				<p>Transaction ID: 8817.28889</p> <p>Date of Disbursement 11 ' ' 21 ' ' 2007</p> <p>Amount of Each Disbursement This Period 776.64</p> <p>Refund or Disposal of Excess Contributions Required Under 11 C.F.R. 400.83</p>	
<p>GUSTOTAL of Disbursements This Page (optional)</p>				<p>1894.68</p>	
<p>TOTAL This Period (all pages this line number only)</p>				<p>1894.68</p>	

FEC Schedule B (Form 3) (Revised 8/2007)

29044222835